

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RHONDA CLARKE,

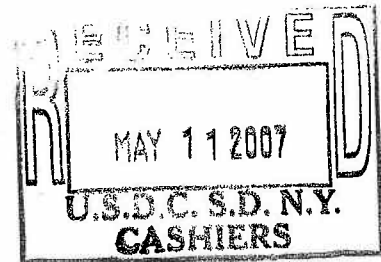
Plaintiff,

- against -

NATIONAL RAILROAD PASSENGER CORP.,

Defendant.
-----X

07 CIV 3759
NOTICE FOR REMOVAL



Defendant National Railroad Passenger Corp. ("Amtrak"), through its attorneys, Landman Corsi Ballaine & Ford P.C., respectfully states upon information and belief:

1. On April 23, 2007, Amtrak received the Summons and Complaint in this action, which is currently pending in the Supreme Court of the State of New York, New York County. A copy of the Summons and Complaint is annexed hereto as Exhibit A. This constitutes all prior pleadings/orders served upon defendant to date.
2. According to the Complaint, on February 26, 2005 plaintiff allegedly sustained personal injuries as a result of slipping on ice at Stamford Train Station Platform.
3. Amtrak is removing this action because defendant Amtrak was created by an Act of Congress, 49 U.S.C. § 24101, et seq., and more than one-half its capital stock is owned by the United States. Thus, the above-described action is a civil action of which this Court has original jurisdiction under the provisions of Title 28, U.S.C. §§ 1331 and 1349 and is one which may be removed to this Court by the defendant therein, pursuant to the provisions of Title 28, U.S.C. § 1441.

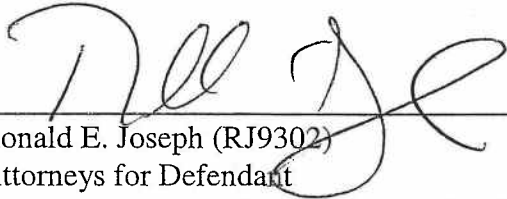
WHEREFORE, defendant prays that the action now pending against it in the Supreme Court of the State of New York in and for the County of New York be removed therefrom to this Court.

Dated: New York, New York
May 10, 2007

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By:



Ronald E. Joseph (RJ9302)
Attorneys for Defendant
NATIONAL RAILROAD PASSENGER CORP.
120 Broadway, 27th Floor
New York, New York 10271-0079
(212) 238-4800

EXHIBIT A

C 104—Summons without notice: Blank Court
Personal or Substituted Service. 3-88

SUPREME COURT OF THE STATE OF NEW YORK,
COUNTY OF NEW YORK
RHONDA CLARKE,

Index No.
Plaintiff designates
NEW YORK

Plaintiff(s)

County as the place of trial

against

The basis of the venue is

SUMMONS

NATIONAL RAILROAD PASSENGER CORP.,

Plaintiff resides at
3816 Briarhill Rd., Mohegan
Lake, NY 10547
County of Westchester

Defendant(s)

To the above named defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear and answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated March , 2007,

Defendant's Address:
National Railroad Passenger Corp.
400 West 31st Street
New York, NY 10001

Law Offices of Michael Flynn, PC
Attorney(s) for Plaintiff

Post Office Address and Telephone Number
1205 Franklin Avenue, Suite 250
Garden City, NY 11530
(516) 877-1234

NEW YORK
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
RHONDA CLARKE,

Plaintiff,

Index No. _____/2007

-against-

VERIFIED COMPLAINT

NATIONAL RAILROAD PASSENGER CORP.

Defendant.
-----X

PLAINTIFF DEMANDS TRIAL BY JURY

Plaintiff, by her attorneys, Law Offices of Michael Flynn, PC, complains of the defendant and alleges:

FIRST: Plaintiff, Rhonda Clarke, is a resident of Mohegan Lake in the State of New York.

SECOND: Upon information and belief, at all times hereinafter mentioned defendant National Railroad Passenger Corp., (hereinafter "AMTRAK") was and still is a corporation duly organized under and by virtue of the laws of the State of Washington, DC with a principal place of business in the State of New York, County of New York.

THIRD: The defendant is a corporation engaged in interstate commerce by rail and operates a railroad system and railroad yards within the jurisdiction of this Court and in various other States.

FOURTH: On or about February 26, 2005, and at all times hereinafter mentioned, the defendant maintained, operated and controlled the Stamford Train Station which contained defendant's tracks, rails, switches, sidings, roadbeds and appurtenances thereto,

NEW YORK
COUNTY CLERK'S OFFICE

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over, through and upon which the defendant operated engines, trains and cars under its control and direction.

FIFTH: On or about February 26, 2005, plaintiff was a passenger exiting Amtrak Train No. 140 onto the Stamford Train Station platform, Stamford, Connecticut.

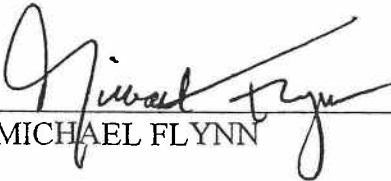
SIXTH: On or about February 26, 2005, while the plaintiff was exiting Amtrak Train No. 140, the defendant, its agents, servants and employees, so negligently and carelessly conducted themselves toward the plaintiff in failing to clean the ice from the Stamford Train Station Platform; in failing to sand or salt the Stamford Train Station Platform; in failing to warn plaintiff of the slipping hazard on the Stamford Train Station Platform; and, so negligently failed and neglected to enact and enforce safety rules, regulations, procedures, and practices for activities carried out by its personnel at the said place; that all of the foregoing brought about severe and disabling injuries to plaintiff.

SEVENTH: That the plaintiff was damaged thereby in the sum of \$500,000.00.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS; together with the costs

and disbursements of this action.

Law Offices of Michael Flynn, PC
Attorneys for Plaintiff
1205 Franklin Avenue
Garden City, NY 11530
(516) 877-1234

By: 
MICHAEL FLYNN

VERIFICATION OF ATTORNEY

STATE OF NEW YORK)

:SS.:

COUNTY OF NASSAU)

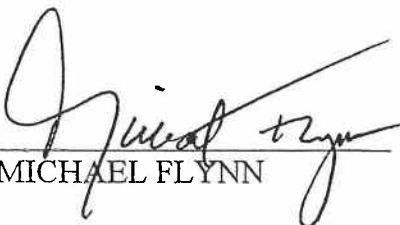
MICHAEL FLYNN, being duly sworn, deposes and says:

That deponent is a member of the Law Offices of Michael Flynn, PC,
attorneys for Rhonda Clarke., the complainant in the within action;

That deponent has read the foregoing Verified Complaint and knows the
contents therein; that same is true to deponent's own knowledge, except as to the
matters therein stated to be alleged on information and belief, and that as to those
matters, deponent believes it to be true.

The grounds of deponent's belief as to all matters not stated upon
deponent's knowledge are deponent's review of plaintiff's file and deponent's
investigation.

Deponent further states that the reason this Verification is being made by
deponent and not by complainant is that the complainant does not reside in the
county wherein deponent maintains his office.


MICHAEL FLYNN

Sworn to before me this
22 day of March, 2007


NOTARY PUBLIC

EVA FLECHA
NOTARY PUBLIC - STATE OF NEW YORK
NO. 4856015

MY COMMISSION EXPIRES JUNE 23, 2010

EVA FLECHA
NOTARY PUBLIC - STATE OF NEW YORK
NO. 4856015
QUALIFIED IN SUFFOLK COUNTY
MY COMMISSION EXPIRES JUNE 23, 2010

PLEASE TAKE NOTICE

that the within is a (certified) true copy of a
Entered in the office of
The clerk of the within named Court on

that an Order of which the within is a true copy
Will be presented for settlement to the
Honorable on of
The Judges of the within named Court, at
on

, at
Dated: _____

LAW OFFICES OF MICHAEL FLYNN, PC
Attorneys for Plaintiff,

1205 Franklin Avenue, Suite 250
Garden City, NY 11530

Pursuant to 22 NYCRR 130-1.1, the undersigned, an
Attorney admitted to practice in the courts of New York
State, certifies that, upon information and belief and
Reasonable inquiry, the contentions contained in the
Annexed document are not frivolous.

Dated: _____
Print signer's name

LAW OFFICES OF MICHAEL FLYNN, PC
Attorneys for Plaintiff,
1205 Franklin Avenue, Suite 250
Garden City, NY 11530

Index No.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

RHONDA CLARKE,

Plaintiffs,

-against-

NATIONAL RAILROAD PASSENGER CORP.,

Defendant.

COMPLAINT

LAW OFFICES OF MICHAEL FLYNN, PC
Attorneys for Plaintiff

1205 Franklin Avenue, Suite 250
Garden City, NY 11530
(516) 877-1234

To

Attorney(s) for:

Service of a copy of the within

Is hereby admitted,

Dated,

Attorney(s) for